

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

MICHAEL HARDY,)
)
Plaintiff,)
)
v.) CIVIL ACTION NO.
) 2:08cv15-MHT
)
J. WALTER WOOD, JR.,)
individually and in his official)
capacity as Executive Director of)
the Alabama Department)
of Youth Services,)
)
Defendant.)

SECOND MOTION TO EXTEND DEADLINE TO FILE DISPOSITIVE MOTIONS

COMES NOW, Defendant, J. Walter Wood, Jr., by and through the undersigned counsel, and hereby respectfully moves this Honorable Court to extend the July 28, 2008 deadline for the Defendant and Plaintiff to file dispositive motions. As grounds for this motion, the Defendant states as follows:

1. Counsel for the Defendant has contacted counsel for the Plaintiff and the Plaintiff's counsel does not object to this motion.
2. The parties of this action are also parties in another action, *Tera A. McMillian v. Alabama Department of Youth Services and Michael J. Hardy, Civil Action No. 2:07-cv-001-WKW*, which involve a common question of law and fact.
3. The result of the *McMillian* action will likely be controlling and dispositive of the claims in this case.
4. The *McMillian* trial is scheduled to begin on July 28, 2008.

For the foregoing reasons, the Defendant moves this Honorable Court for thirty day extension, August 28, 2008, to file dispositive motions after final judgment in the *McMillian* case.

Respectfully submitted this 10th day of July, 2008.

s/Sancha E. Teele

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CERTIFICATE OF SERVICE

I hereby certify that on the 10th day of July, 2008, I electronically filed the foregoing,

SECOND MOTION TO EXTEND DEADLINE TO FILE DISPOSITIVE MOTIONS with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Gwendolyn T. Kennedy
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s/Sancha E. Teele

Sancha E. Teele
Deputy General Counsel